

Amendments to the Drawings:

The attached sheets of drawings include changes to Fig. 4 and Fig. 5. These sheets, which include Figs. 4-5, replace the original sheets including Figs. 4-5. In the Figures, previously cited Points 0-9 have been replaced with Points 10-19, as discussed in the specification.

REMARKS/ARGUMENTS

Claims 1-25 remain in the application. Claims 3-12 and 15-24 have been amended to correct claim dependency. Claim 13 has been amended to more clearly produce a tangible result. No new matter has been added.

Claim Objections

Claims 4-12, 16-20, 21, 23, and 24 were objected to under 37 CFR 1.75(c) as improper multiple dependent claims. The dependency has been corrected by the present amendment and Applicants respectfully request withdrawal of this objection.

Claims 22-24 were objected to as being “switching status claims.” Applicants traverse this ground of rejection as lacking any statutory basis. Indeed, the OG notice of 22 November 2005 concerning “Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility” explicitly states:

“To properly determine whether a claimed invention complies with the statutory invention requirements of 35 U.S.C. 101, USPTO personnel must first identify whether the claim falls within *at least one* of the four enumerated categories of patentable subject matter recited in section 101 (process, machine, manufacture or composition of matter).” Emphasis added.

Unless the Examiner can provide a basis for the “switching status” objection, Applicants submit the claims are proper and respectfully request withdrawal of this objection.

Specification

The Abstract was objected to for form. A new abstract has been provided by the present amendment and Applicants respectfully request withdrawal of this objection.

Drawings

The drawings of figures 4 and 5 were objected to. The present Replacement Sheets for figures 4 and 5 correct the problems and Applicants respectfully request withdrawal of this objection.

Claim Rejections - 35 USC 101

Claim 13 was rejected as allegedly not producing “a tangible result, because it’s not certain what can be done with the result of life expectancy.” To overcome this, the claim has been amended to include “for insurance purposes” since uses for the tangible result of life expectancy are well known in the insurance industry. Applicants respectfully request withdrawal of this rejection.

Claim Rejections - 35 USC 102

Claims 1-3, 13-15, and 25 were rejected as allegedly being anticipated by Summerell. To anticipate a claim, the reference must teach every element of the claim:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Claim 1 defines an actuarial data processing system comprising a data input means for imputing client information, output means for outputting information, storage means and processing means. It is defined that the processing means is adapted to use the client information and the data stored in the storage means to produce a scoring statistic representative of the client’s level of health. It is then defined that the scoring statistic is used to produce an output a value representative of a client life expectancy. Similarly, independent claims 13, 14, and 25 also require producing a value representative of the client life expectancy.

Summerell teaches a system and method for developing a customised “wellness plan for measuring a user’s “wellness” by determining a user’s physiological age.” Summerell teaches that various client information are input into the system, and that this client information is used to derive the client’s physiological age. It is taught at column

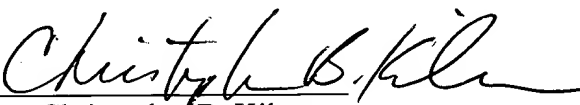
11, lines 21-29 of Summerell that the "physiological age" is equal to the chronological age at which the user's survival probability rate equals the average survival probability rate of an individual of the same gender. It is further taught that a user's physiological age is equal to the calendar age of an average person of the same gender with a comparable risk stratification level.

Applicants respectfully submit that Summerell does not disclose outputting a value of a client's life expectancy. As a whole, Summerell discloses a system in which a user's physiological age is calculated, but that "physiological age" is not a value representative of a client's life expectancy. In particular, the Examiner's attention is drawn to what is taught at column 1, lines 43-65 of Summerell. This passage discusses systems that Summerell aims to improve, and teaches that such systems provide an output based on life expectancy. However, this passage in Summerell teaches that such outputs are "too abstract and/or remote" to be useful. Therefore, Summerell *teaches away* from a system that outputs the value of a client's life expectancy. On this basis, the Applicants submit that the claims, as amended, are novel over Summerell.

Conclusion

For the reasons cited above, Applicants submit that claims 1-25 are in condition for allowance and requests reconsideration of the application. If there remain any issues that may be disposed of via a telephonic interview, the Examiner is kindly invited to contact the undersigned at the local exchange given below.

Very truly yours,
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Enclosures:
Abstract Replacement Sheet
Drawing Replacement Sheets